

REMARKS

Claims 1, 2, 9-11, 13, 14, 17, 18 and 20 have been amended. Claims 22-24 have been canceled. Claims 1-6, 9-18, 20 and 21 are currently pending in this application. Applicants reserve the right to pursue the original and other claims in this and other applications. Applicants respectfully request reconsideration in light of the above amendments and the following remarks.

Claim 20 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Bair (U.S. Patent No. 5,562,692) (“Bair”). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 20 recites a “single-use supply cartridge for use in a supply device for water-jet surgery” including a “supply chamber pre-enclosing a sterile working fluid, the supply chamber being defined by a movable piston, at least one chamber outlet and at least one supply chamber wall” and a “seal that hermetically encloses the sterile working fluid in the supply chamber, said seal being configured and adapted to irreversibly open upon application of a high pressure to the sterile working fluid via the movable piston.”

Applicants respectfully submit that Bair does not disclose a single-use supply cartridge in which a sterile working fluid is pre-enclosed, as claimed. In particular, the pump chamber 51 (upon which the Examiner relies as disclosing the claimed “supply chamber”) does not pre-enclose a sterile working fluid. Instead, in Bair, the “fluid ... is supplied to the pump chamber [51] from supply 24 through inlet port 56 and ball check valve 57.” Bair, col. 3, lines 57-60.

Accordingly, Applicants respectfully submit that claim 20 is allowable over Bair. Applicants respectfully request the rejection be withdrawn and the claim allowed.

Claims 22-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gumb et al. (U.S. Appl. Pub. 2003/01716701) (“Gumb”). This rejection is respectfully traversed; however, in order to expedite prosecution of this application, these claims have been canceled. Thus, this rejection is moot.

Claims 1-4, 6, 9, 12-14, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gumb in view of Kozam et al. (U.S. Patent No. 4,109,653) ("Kozam"). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 1 recites an "appliance for water-jet surgery" including a "plurality of single-use supply cylinders, each supply cylinder including a side wall, a piston, a working fluid, and an outlet, wherein the working fluid is pre-enclosed within each supply cylinder in a leak proof manner until it is caused to be expelled, by means of the piston, through the outlet," a "single pressure conduit in fluid communication with the outlet of each of the plurality of supply cylinders and into which the working fluid is expelled," "at least one actuation device to actuate the pistons," a "change-over device to shift the actuation from a first piston corresponding to a first of the plurality of supply cylinders to a next piston corresponding to a next of the plurality of supply cylinders such that the working fluid can be ejected into the single pressure conduit from consecutively emptying supply cylinders" and a "change-over magazine that receives the plurality of supply cylinders." The "change-over magazine defines chambers, each of which receives and closely surrounds the side wall of the respective one of the plurality supply cylinders."

Applicants respectfully submit that the cited combination does not disclose all features of the claims. For example, Gumb does not disclose a *single* pressure conduit connected to each of the plurality of supply cylinders. Instead, as seen in Fig. 1a of Gumb, each syringe 5 is separately connected by a hose 4 to the needle 1.

Additionally, the cited combination does not disclose a "plurality of *single-use* supply cylinders" where the "working fluid is *pre-enclosed* within each supply cylinder in a leak proof manner until it is caused to be expelled," as claimed. The Examiner relies on Kozam as showing that the fluid is stored in a leak proof manner (Office Action, pg. 4), however, as described in Kozam, the "plungers 18 and 20 are withdrawn from the respective bores 14, 16 and the latter are filled with the desired solutions." Kozam, col. 5, lines 25-27.

Further, Applicants respectfully submit that neither Gumb nor Kozam discloses an appliance for water jet surgery, as claimed. Gumb relates to a device for the injection of medical preparation and Kozam relates to a syringe with two chambers for storing medication being injected. While these devices are medical devices, it should be noted that a significant difference exists between a device for injecting medical preparations (Gumb/Kozam) and a device for cutting tissue (as claimed). The appliance for water-jet surgery, as claimed, is adapted to expel fluid under such high pressure the tissue can be cut therewith whereas the devices of Gumb and Kozam are merely used to dispense medication.

Further still, the claimed device provides working fluid from several supply cylinders in a continuous manner, whereby a next supply cylinder is only used after the preceding supply cylinder has been emptied (e.g., “working fluid [is] ejected ... from consecutively emptying supply cylinders”). In Gumb and Kozam, the disclosed devices mix together different medications provided in each of the syringes; they do not supply working fluid from consecutively emptying supply cylinders.

Accordingly, Applicants respectfully submit that claim 1 is allowable over the cited combination. Claims 2-4, 6, 9, 12-14, 16 and 17 depend from claim 1 and are allowable along with claim 1. Applicants respectfully request the rejection be withdrawn and the claims allowed.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gumb in view of Kozam and further in view of Lee (U.S. Patent No. 5,019,045) (“Lee”). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 5 depends from claim 1, which is allowable over the combination of Gumb and Kozam for at least the reasons discussed above. Lee is relied upon as disclosing a back-flow barrier (Office Action, pg. 6) and does not remedy the deficiencies of the Gumb/Kozam combination discussed above. Accordingly, claim 5, along with claim 1, is allowable over the cited combination. Applicants respectfully request that the rejection be withdrawn and the claim allowed.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gumb in view of Kozam and further in view of Sielaff et al. (U.S. Patent No. 3,983,864) ("Sielaff"). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 10 depends from claim 1, which is allowable over the combination of Gumb and Kozam for at least the reasons discussed above. Sielaff is relied upon as disclosing ventilation devices (Office Action, pg. 7) and does not remedy the deficiencies of the Gumb/Kozam combination discussed above. Accordingly, claim 10, along with claim 1, is allowable over the cited combination. Applicants respectfully request that the rejection be withdrawn and the claim allowed.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gumb in view of Kozam and Sielaff and further in view of Childers et al. (U.S. Appl. Pub. 2004/0019313) ("Childers"). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 11 depends from claim 10, which is allowable over the combination of Gumb, Kozam and Sielaff for at least the reasons discussed above. Childers is relied upon as disclosing ventilation devices within the change-over magazine (Office Action, pgs. 7-8) and does not remedy the deficiencies of the Gumb/Kozam/Sielaff combination discussed above. Accordingly, claim 11, along with claim 10, is allowable over the cited combination. Applicants respectfully request that the rejection be withdrawn and the claim allowed.

Claims 13 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gumb in view of Kozam and further in view of Schwartz et al. (U.S. Appl. Pub. 2003/0009132) ("Schwartz"). This rejection is respectfully traversed and reconsideration is respectfully requested.

Claims 13 and 15 depend from claim 1, which is allowable over the combination of Gumb and Kozam for at least the reasons discussed above. Schwartz is relied upon as disclosing the magazine being rotatable about a central axis (Office Action, pg. 8) and does not remedy the deficiencies of the Gumb/Kozam combination discussed above. Accordingly, claims 13 and 15,

along with claim 1, are allowable over the cited combination. Applicants respectfully request that the rejection be withdrawn and the claims allowed.

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gumb in view of Kozam and further in view of Lee. This rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 18 recites a “supply device for use in an appliance for water-jet surgery” including a “device outlet,” a “plurality of single-use supply chambers pre-enclosing a working fluid, each supply chamber defined by a piston, at least one chamber outlet and at least one supply chamber wall” and a “conduit that provides fluid communication between the device outlet and the at least one chamber outlet of each of the plurality of supply chambers.” Further, “each of the plurality of supply chambers comprises a seal that hermetically encloses the working fluid in the supply chamber until a high pressure is applied to the working fluid via the piston” and “each of said plurality of supply chambers comprises a locking mechanism that prevents a return movement of the piston once the piston has reached a position in which the supply chamber is substantially emptied of working fluid, thus preventing a return of working fluid into the supply chamber.”

As discussed above with respect to claim 1, the combination of Gumb and Kozam does not disclose at least a “plurality of single-use supply chambers pre-enclosing a working fluid,” as recited in claim 18. Lee is relied upon as disclosing a back-flow barrier (Office Action, pg. 9) and does not remedy the previously discussed deficiencies of the Gumb/Kozam combination. Accordingly, Applicants respectfully submit that claim 18 is allowable over the cited combination. Applicants respectfully request the rejection be withdrawn and the claim allowed.

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bair in view of Lee. This rejection is respectfully traversed and reconsideration is respectfully requested.

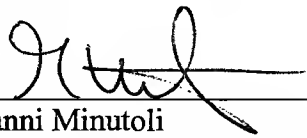
Claim 21 depends from claim 20, which is allowable over Bair for at least the reasons discussed above. Lee is relied upon as disclosing a locking mechanism (Office Action, pg. 10) and

does not remedy the deficiencies of Bair discussed above. Accordingly, claim 20, along with claim 21, is allowable over the cited combination. Applicants respectfully request that the rejection be withdrawn and the claim allowed.

In view of the above, Applicants believe the pending application is in condition for allowance.

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